

2. Dismisses the remainder of the action;
3. Orders the Kingdom of the Netherlands to bear, in addition to its own costs, three quarters of the Commission's costs;
4. Orders the Commission, as to the remainder of the action to bear its own costs.

(¹) OJ C 323, 21.12.2002.

JUDGMENT OF THE COURT

(Third Chamber)

of 24 June 2004

in Case C-421/02: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland (¹)

(Failure of a Member State to fulfil obligations — Directive 85/337/EEC — Incomplete transposition)

(2004/C 201/08)

(Language of the case: English)

In Case C-421/02: Commission of the European Communities (Agent: X. Lewis) v United Kingdom of Great Britain and Northern Ireland (Agent: P. Ormond) — application for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Article 4(2) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40), as amended by Council Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5), in relation to projects listed in Annex II, paragraph 1(b) and 1(c), to that directive, or, in any event, by failing to notify such provisions to the Commission, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under that directive — the Court (Third Chamber), composed of: A. Rosas, President of the Chamber, R. Schintgen and N. Colneric (Rapporteur), Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 24 June 2004, in which it:

1. Declares that, by failing to adopt in Scotland and Northern Ireland the laws, regulations and administrative provisions necessary to comply with Article 4(2) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended

by Council Directive 97/11/EC of 3 March 1997, in relation to projects listed in Annex II, paragraph 1(c), to the Directive and by failing to notify the measures taken to implement that provision in England and Wales, the United Kingdom has failed to fulfil its obligations under that directive;

2. Orders the United Kingdom to pay the costs.

(¹) OJ C 7, 11.1.2002.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 22 June 2004

in Case C-439/02: Commission of the European Communities v French Republic (¹)

(Failure of a Member State to fulfil its obligations — Maritime Transport — Directive 95/21/EC — Maritime safety — Port State control of vessels — Insufficient number of inspections)

(2004/C 201/09)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-439/02: Commission of the European Communities (Agents: K. Simonsson and W. Wils) v French Republic (Agents: G. de Bergues and P. Boussaroque) — application for a declaration that, by failing to carry out a total number of annual inspections corresponding to at least 25 % of the number of individual vessels which entered its ports in 1999 and 2000, the French Republic has failed to fulfil its obligations under Article 5(1) of Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (OJ 1995 L 157, p. 1), — the Court (Fifth Chamber), composed of: C. Gulmann, President of the Chamber, S. von Bahr and R. Silva de Lapuerta (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 22 June 2004, in which it: